



TIMOTHY J. BERGÈRE

PARTNER

Philadelphia, PA

267.780.2024

tbergere@atllp.com



Timothy Bergère has more than 35 years of experience in the field of environmental law. His experience working in government lends to his depth of knowledge when it comes to guiding clients whose activities are governed by federal and state environmental programs.

Serving Fortune 500 clients across the country, Tim regularly manages and resolves environmental liability issues arising from former holdings and operations, including Superfund “tail” liability that sometimes follows historic operations. He has played a role in dozens of Superfund cases nationwide. His resolution of those matters often requires innovative and creative problem solving, including the strategic use of environmental insurance policies or qualified settlement funds to manage and transfer risk.

Tim has been involved in all aspects of environmental counseling, and has served as lead environmental counsel in numerous business, financial and real estate transactions. In addition, he has extensive experience defending environmental investigations undertaken by civil and criminal enforcement authorities and as such, works closely with the firm’s White-Collar Criminal Defense attorneys.

In the instance of major casualty events, Tim is often involved in the underlying response, advising responsible parties and contractors in securing access to impacted areas, developing forensic evidence related to the cause of the casualty, identifying natural resource damages, evaluating plans for restoration, and pursuing contribution from responsible parties.

BACKGROUND

Prior to joining the firm, Tim was a partner at a mid-Atlantic law firm where he served as chair of the Environmental Practice Group. Before that, he served as counsel for the Pennsylvania Department of Environmental Protection, formerly known as the Department of Environmental Resources.

EDUCATION

- University of New Hampshire School of Law (J.D., 1983)
 - Energy and Environmental Law
- New England College (B.A., 1980)
 - Environmental Studies

SERVICES AND INDUSTRIES

Environmental
Energy and Utilities
White-Collar Criminal Defense
and Government
Investigations

ADMISSIONS

Pennsylvania

- Political Science

PROFESSIONAL ACTIVITIES

- United States Law Firm Group (Environmental Law Committee, Chair)
- Pennsylvania Bar Association (Environmental, Mineral and Natural Resources Law Section, Former Chair and Section Delegate)
- Philadelphia Bar Association (Environmental Law Committee)

ACCOLADES

- *Chambers USA: America's Leading Lawyers in Business, Environment* (2003-present)
- *The Best Lawyers in America®*; Environmental Law, Energy Law (2013-present)
- *Pennsylvania Super Lawyers®* (2004-2006, 2009-present)
- Who's Who Legal: Environment
- Martindale-Hubbell, AV Preeminent Rated

EXPERIENCE

Judgment on Appeal Affirmed by U.S. Supreme Court

The U.S. Supreme Court affirmed a decision by the U.S. Court of Appeals for the Third Circuit in favor of the owners of a tanker vessel involved in a major oil spill in the Port of Philadelphia. In a 7-2 majority decision, the Supreme Court upheld a \$143 million damage award (primarily oil spill cleanup costs) to the vessel owner interests against the defendant petroleum terminal. \$88 million of the award was allocated to the United States, which had earlier reimbursed the vessel owner interests that amount under provisions of the Oil Pollution Act of 1990.

Secured \$143 Million Judgment in Casualty Case Involving Oil Spill

Tried and secured a \$143 million judgment in a vessel casualty case involving a major oil spill in the Delaware River. The judgment was affirmed by the U.S. Court of Appeals for the Third Circuit; *certiorari* was granted and the case was argued before the U.S. Supreme Court in November 2019.

Representation of Major Manufacturer in Clear Air Act, Waste Management Matters

Representation of a major cement manufacturer in complex Clean Air Act and waste management matters (Title V, PC-MACT and NSR/PSD) and response to Section 114 information requests.

Representation of Quarry in Complex Permitting, Groundwater Matters

Represents quarry operations in permitting and groundwater withdrawal matters, including issues of complex sinkhole hydrology.

Representation of Public Water Suppliers in High-Profile Groundwater Contamination Cases

Represents public water suppliers in high-profile groundwater contamination cases involving so-called emerging contaminants (PFOS, PFOA and 1,4 dioxane), often associated with military air bases. Secured millions of dollars for water treatment

systems on numerous public supply wells and for private water supply replacement.